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OFFICE OF PETITIONS

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AUSTIN, TX 78759

In re Application of :
Houchen : DECISION ON PETITION
Application No. 09/607,593 :
Filed: June 30, 2000 :
Atty. Dkt. No.: CIS0070US :
:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed May 22, 2006.

The petition is hereby **GRANTED**.

This application was held abandoned December 8, 2004 for failure to timely submit a proper reply to the non-final Office action mailed September 7, 2004. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed September 15, 2005.

Petitioner alleges non-receipt of the non-final Office action, and attribute the non-receipt to the Office's failure to effect a change of correspondence address submitted subsequent to the mailing of the non-final Office action.

Where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply), petitioner is required to establish that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (See, MPEP 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. See, MPEP 711.03(c).

Petitioners' arguments have been reviewed and found convincing. In view of the evidence presented, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

This application is being forwarded to Technology Center 2600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'AMB', is written over the printed name of the undersigned.

Alesia M. Brown
Petitions Attorney
Office of Petitions